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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **JASON J. PAYNE,**

14 Petitioner,

15 v.

16 **JOE MCGRATH, Warden,**

17 Respondent.
18

C 07-4712 JSW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME**

19 I, Catherine A. Rivlin, declare under penalty of perjury as follows:

20 I am the California Deputy Attorney General assigned to handle the above-encaptioned
21 case. I request a two week enlargement of time to June 12, 2008, within which to file the answer
22 and memorandum, and lodge the record. I have obtained the state court record, and have organized
23 the available materials for copying. I have drafted the answer and notice of lodging and am working
24 on the memorandum of points and authorities. I was the responsible deputy on the direct appeal and
25 thus have familiarity with the case, issues, and facts. However the press of earlier assigned and
26 emergency reassignment cases has prevented my completing the briefing in this case to date. As
27 noted in my prior request, I had to take over three cases, all due immediately, from a colleague I
28 supervise who went on a family medical leave then left state service entirely. The three cases

Decl. of Counsel in Supp. of Appl. for Enl. of Time

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swelled to five as the related state court writs came in. Although it took two weeks longer than hoped, I have now completed that deputy's work and made considerable progress on the other cases assigned to me before this one. Two additional weeks will allow me to complete this case and the few remaining assignments ahead of it, which are also in progress. I have not attempted to contact petitioner, who is representing himself in this proceeding, because he is incarcerated in state prison and cannot be conveniently reached.

I declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct. Executed at San Francisco, California on May 28, 2008.

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GERALD A. ENGLER
Senior Assistant Attorney General

PEGGY S. RUFFRA
Supervising Deputy Attorney General

/s/ Catherine A. Rivlin

CATHERINE A. RIVLIN
Supervising Deputy Attorney General
Attorneys for Respondent

payneot3dec.wpd
SF2008400415

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 28, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 28, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature